

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 2215

5 By: Representative Gazaway  
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## For An Act To Be Entitled

8 AN ACT TO MAKE A VIOLATION OF ARKANSAS CODE § 15-20-  
9 502 AN UNCLASSIFIED MISDEMEANOR; TO MAKE TECHNICAL  
10 CORRECTIONS TO ARKANSAS CODE § 15-20-502; AND FOR  
11 OTHER PURPOSES.  
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## Subtitle

14 TO MAKE A VIOLATION OF ARKANSAS CODE §  
15 15-20-502 AN UNCLASSIFIED MISDEMEANOR;  
16 AND TO MAKE TECHNICAL CORRECTIONS.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 15-20-502 is amended to read as follows to  
23 make stylistic changes, clarify references, and clarify a criminal offense:

24 15-20-502. Rules ~~and regulations~~ – Enforcement – Penalties.

25 (a) The Arkansas Natural Heritage Commission ~~shall have the authority~~  
26 ~~to~~ may promulgate rules ~~and regulations~~ establishing policies governing the  
27 use and protection of a natural ~~areas~~ area.

28 (b) ~~Any~~ A person violating ~~any of the rules and regulations~~ a rule  
29 promulgated by the commission governing a natural ~~areas~~ area upon  
30 conviction is guilty of an unclassified misdemeanor and shall be fined not  
31 less than twenty-five dollars (\$25.00) nor more than two hundred fifty  
32 dollars (\$250), or imprisoned for not less than ten (10) days nor more than  
33 thirty (30) days for each ~~and every offense~~ violation.

34 (c) ~~Any~~ A law enforcement officer ~~shall have the right to~~ may issue  
35  ~~citations~~ a citation to and ~~to~~ apprehend ~~persons detected~~ a person violating  
36 ~~any rules or regulations~~ a rule promulgated by the commission for use and



1 protection of a natural areas area and take ~~offenders~~ the person before ~~any a~~  
2 court having jurisdiction in the county where the ~~offense is~~ violation was  
3 committed.

4 (d) The Director of the Arkansas Natural Heritage Commission may apply  
5 to the circuit court of any county in which a violation of this subchapter is  
6 occurring or in which the director has reasonable cause to believe a  
7 violation of this subchapter is about to occur, and ~~that~~ the circuit court  
8 shall have jurisdiction to grant a temporary or permanent injunction  
9 restraining any person from violating this subchapter without requiring the  
10 director to post bond during the pendency of ~~this~~ the action described in  
11 this subsection.

12 (e)(1) In addition to criminal penalties ~~set forth in~~ under subsection  
13 (b) of this section, ~~any a~~ person who violates ~~any rules and regulations a~~  
14 rule promulgated by the commission governing a natural areas area or who  
15 causes ~~such~~ a violation by his or her employee or agent ~~shall be~~ is liable  
16 for a civil penalty of five hundred dollars (\$500) or three (3) times the  
17 value of the damages caused, whichever is the greater, and the penalty ~~to~~  
18 shall be recovered in an action brought by the Attorney General or the  
19 commission's attorney in the proper circuit court.

20 (2) The civil penalty described in subdivision (e)(1) of this  
21 section shall be used to restore the natural area or to secure the  
22 preservation of similar areas.  
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